

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33877 of 2016

Arising Out of PS.Case No. -120 Year- 2016 Thana -KATIHAR MUFFASIL District- KATIHAR

- 1. Radhe Yadav @ Radha Yadav son of Late Akalu Yadav
- 2. Manoj Yadav son of Radhe Yadav @ Radha Yadav. Both resident of village- Kadepura, Police Station- Muffassil, District- Katihar.

.... .... Petitioner/s

Versus

- 1. The State of Bihar

.... .... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Advocate  
Mr. Ratnakar Ambastha , Advocate  
For the Opposite Party/s Mr. Pancha Nand Pandit, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL  
ORAL ORDER

2 24-08-2016 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Muffassil P. S. Case No. 120/2016 registered for offence punishable under Sections 147, 149, 341, 323, 504, 354 and 379 of the Indian Penal Code.

The prosecution case as per the fardbeyan of informant Sunaina Devi is that on the allegation date and time of occurrence, all the petitioners have assaulted the informant with fists and slaps, due to which she became senseless. In course of occurrence, her golden chain and cash of Rs. 10,000/- was snatched by the accused persons.



It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated in the aforesaid case. He submits that the petitioners were next door neighbors of the informant side. There was quarrel between them for which the incident is alleged to have occurred. He further submits that no case under Section 354 of the Indian Penal Code is made out and Section 379 is a super addition. It has been submitted by the learned counsel for the petitioners that some of the co-accused have been granted privilege of anticipatory bail by the learned Court below itself. He submits that the petitioner No. 1 is a handicapped person for which he has enclosed the certificates by way of Annexure-2 of this application. He submits that both the petitioners do not have criminal history, as is evident from para-3 of this application and both sides are on inimical terms with each other.

However, learned A.P.P. for the State submits that the petitioner is named in the F.I.R., hence, opposes the prayer for bail.

Be that as it may, let the above named petitioners in the event of their arrest or surrender before the Court below within a period of eight weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) each with

two sureties of the like amount each to the satisfaction of learned  
Judicial Magistrate, 1<sup>st</sup> class, Katihar in connection with Muffassil  
P.S.Case No. 120/2016, subject to the conditions as laid down  
under Section 438 (2) of the Code of Criminal Procedure.

**(Nilu Agrawal, J)**

Sudha/-

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